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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,713	08/31/2000	Trung T. Doan	93-0421.04	4284

7590 08/19/2005

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EXAMINER	
MACARTHUR, SYLVIA	

ART UNIT	PAPER NUMBER
1763	

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/652,713	DOAN, TRUNG T.	
	Examiner	Art Unit	
	Sylvia R. MacArthur	1763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *36 and 37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *36 and 37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 May 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The prosecution has been reopended as result of the remand dated 6/27/2005 and the new prior art rejections cited below.

2. Claims 36 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Hurtig (USP 5,289,222).

Hurtig discloses drain arrangement for photoresist coating apparatus. In Figure 2, a splash guard (splash controller) 104B is shown around the edge bead removal nozzle 104C and the edge bead of wafer 103.

The splash controller is shown physically unattached from the edge bead and configured to draw chemical toward the splash controller. The splash controller is also configured to physically intercept the chemical. The splashguard (splash controller) inherently generates a gas pressure around the edge bead that is lower than an ambient gas pressure. This lowering of pressure provides the suction.

3. Claims 36 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Iwata et al (US 4,611,553).

Iwata et al teaches a dual pipe structure for edge bead removal. The device comprises a dispenser (8) configured to release a chemical toward the edge bead ; and a splash controller (4) around the dispenser, physically unattached form the edge and configured to draw the chemical toward the splash controller, wherein the splash controller to generate a pas pressure around the

edge bead that is lower than the ambient gas pressure, and where the splash controller is configured to physically intercept the chemical. See col. 2 lines 17-43.

Regarding claim 37: The splash controller is around the edge bead. Herein the definition of around is taken to be in the vicinity of as cited in Merriam-Webster Online Dictionary (2C), see Fig. 3.

Response to Arguments

3. Applicant's arguments with respect to claims 36 and 37 have been considered but are unpersuasive. A new rejection based on Iwata et al has been introduced as a showing of another interpretation of the claimed invention.

4. Examiner has misinterpreted Hurtig

Applicant cites that claim 36 requires that the splash controller be configured to draw toward itself a particular chemical. It is also required that the splash controller be configured to physically intercept the chemical. Applicant argues that the examiner has cited that no portion of the Hurtig reference indicates that its guard is configured to draw toward itself any chemical. In response to this argument, examiner has constructed the following comparison table:

Claim 36 of present invention	Hurtig
Dispenser releasing chemical toward edge bead	Edge bead removal nozzle 104C
Splash controller around dispenser	Splash guard 104B

Note: The splash guard of Hurtig is shown physically unattached from the edge bead and configured to draw chemical toward the splash controller. See Figures 1, 2, and 4. The splash guard is also configured to physically intercept the chemical. The splash guard (splash controller) inherently generates a gas pressure around the edge bead that is lower than an ambient gas pressure. This lowering of pressure provides the suction.

Applicant contends that the Examiner cannot meet the burden for rejection relying on Hurtig. Applicant notes that Hurtig's device comprises drain lines 105, 106, 405, and 406 that are configured to draw a chemical toward themselves and away from the splash guard. Applicant argues, however, that the location in relation to Hurtig's splash guard, having both the drain lines and splash guard draw chemicals toward themselves would result in a device whose components compete and interfere with each. Thus, Applicant believes that the device would be unworkable.

In response to this argument, affidavits or declarations attacking the operability of a patent cited as a reference must rebut the presumption of operability by a preponderance of the evidence. In re Sasse, 629 F.2d 675, 207 USPQ 107 (CCPA 1980). See MPEP 716.07.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sylvia R. MacArthur whose telephone number is 571-272-1438. The examiner can normally be reached on M-F during the core hours of 9 a.m. and 3 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on 571-272-1435. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sylvia R MacArthur
Patent Examiner
Art Unit 1763

August 17, 2005